

REMARKS

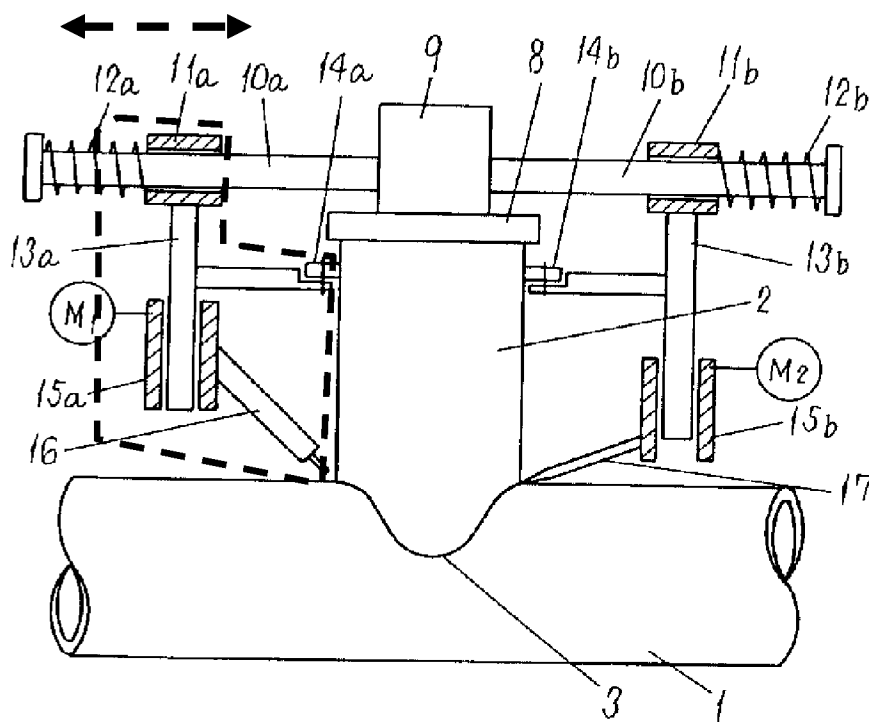
Claims 2-5, 7-8 and 11-12 are pending in the application. By this Amendment, claims 2-3 and 11-12 have been amended, and claims 9-10 have been cancelled. It is submitted that this Amendment is fully responsive to the Office Action dated July 9, 2010.

Claim Rejections - 35 U.S.C. §103

Claims 2-4 and 7-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Oki (JP 53-115640) in view of Wegener (U.S. Patent No. 6,601,426) and Kudo (JP 59-150675) (hereinafter Kudo '675).

This rejection is respectfully traversed. Claim 2, as amended, now calls for the feature of *“wherein the radial-direction position adjusting structure includes a guide roller making a rolling contact with a circumferential surface of the first piping,” “wherein the radial-direction position adjusting structure includes a support portion fixed to one end of the tubular axial-direction position adjusting structure, the support portion extending in the radial direction of the first piping and supporting the guide roller at one end thereof, the one end of the support portion facing the first piping”* and *“wherein the radial-direction position adjusting structure slidingly moves along the radial direction of the first piping, with respect to the support portion.”* Independent claim 3 also has been amended to include the similar feature. This amendment is supported by, for example, Figs. 1, 2 and the specification (page 9, line 25 to page 10, line 17).

With regard to the claimed radial-direction position adjusting structure, the Examiner relies on newly cited Kudo '675. However, as shown by a broken line circle of the reproduced Fig. 4 of Kudo '675 below, a slider 11a, an arm 13a, a slider 15a, a roller 14a and a welding torch 16 are constructed such that the set of the slider 11a, the arm 13a, the slider 15a, the roller 14a and the welding torch 16 is unitarily moved laterally along an arm 10a in the drawing.



In other words, the set of the elements 11a, 13a, 15a, 14a and 16 is pushed, as a whole, toward a pipe 2 by a spring 12a such that the roller 14a can contact the surface of the pipe 2. Thus, if the slider 11a is pushed back to the opposite direction against the spring 12a, the entire set of the elements 11a, 13a, 15a, 14a and 16 is moved in that direction and the roller 14a inevitably moves apart from the surface of the pipe 2.

On the contrary, in the present claims, the radial-direction position adjusting structure slidably moves along the radial direction of the first piping, with respect to the support portion. In other words, the radial-direction position adjusting structure slidably moves along the radial direction of the first piping relative to the support portion, both approaching and leaving the first piping, while keeping the contact between the guide roller and the circumferential surface of the first piping. This relative motion of the radial-direction position adjusting structure with respect to the support portion is different from the disclosure of Kudo '675.

Therefore, even if, assuming *arguendo*, that Oki may be combined with Wegener and Kudo '675 in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of “*wherein the radial-direction position adjusting structure includes a support portion fixed to one end of the tubular axial-direction position adjusting structure, the support portion extending in the radial direction of the first piping and supporting the guide roller at one end thereof, the one end of the support portion facing the first piping*” and “*wherein the radial-direction position adjusting structure slidably moves along the radial direction of the first piping, with respect to the support portion,*” as called for in amended claim 2 and similarly in amended claim 3.

Accordingly, claims 2 and 3 as well as their dependent claims patentably distinguish over Oki, Wegener and Kudo '675.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Oki in view of Wegener and Kudo '675 in view of Schadler (U.S. patent No. 6,825,438) or Sator (U.S. patent No. 6,476,345).

This rejection is respectfully traversed. Claim 5 is dependent from claim 2 or 3 and recites the additional features set forth therein. Accordingly claim 5 also distinguishes over Oki, Wegener, Kudo '675 and Schadler or Sator for at least the reasons set forth above.

Claims 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Oki in view of Wegener and Kudo '675 in view of Kudo (JP 57-195583) (hereinafter Kudo '583).

This rejection is respectfully traversed. Claims 11 and 12 are dependent from claim 2 or 3 and recite the additional features set forth therein. Accordingly claims 11 and 12 also distinguish over Oki, Wegener, Kudo '675 and Kudo '583 for at least the reasons set forth above.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/590,902
Art Unit: 3742

Amendment under 37 C.F.R. §1.116
Attorney Docket No. 062790

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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